

**FILED**

**NOT FOR PUBLICATION**

**SEP 07 2004**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

HECTOR GOMEZ-CAHUEX; NORA  
LISSETTE MUTZ SOCH; JULIA  
MANUELA GOMEZ MUTZ,

Petitioners,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 03-70691

Agency Nos. A70-930-293  
A70-930-294  
A74-352-937

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Argued and Submitted August 24, 2004  
San Francisco, California

Before: SCHROEDER, Chief Judge, GOODWIN, and TASHIMA, Circuit Judges.

Hector Gomez-Cahuex and his family petition for review of the BIA's decision ordering them removed to Guatemala, and denying applications for asylum, withholding of deportation, and relief under the Torture Convention.

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Mr. Gomez-Cahuez claims he was tortured by the police, and his wife claims that she was beaten and raped. The IJ's adverse credibility determination that the BIA upheld is supported by substantial evidence in the record, and under the deferential standard we must apply, it must be upheld. The IJ noted specific implausibilities and inconsistencies, including the failure to describe in his application the serious nature of the abuse that he testified about in the hearing. There were also inconsistencies between his first asylum application in 1994 and the application he filed in 1998 where he claimed abuse at the hands of police rather than anti-government guerrillas. The wife's claim of persecution was not independent of her husband's. The adverse credibility findings undermine both claims.

The petitions for review are DENIED.